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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,891	02/05/2004	Boris R. Teper	60,568-016	5348

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EXAMINER

ELLINGTON, ALANDRA

ART UNIT PAPER NUMBER

2855

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No.

10/772,891

Applicant(s)

TEPER, BORIS R.

Examiner

Alandra Ellington

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 25-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7, 8 and 20 is/are rejected.
- 7) ☒ Claim(s) 3-6 and 9-25 is/are objected to.
- 8) ☒ Claim(s) 1-29 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/27/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.



***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-25, drawn to an apparatus for measuring radial displacement of a wheel having first and second beads circumscribing an axis, classified in class 73, subclass 146.
  - II. Claims 26-29, drawn to an apparatus for rotating a workpiece, classified in class 408, subclass 3.
2. The inventions are distinct, each from the other because:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the different inventions I and II have different modes of operation.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Gregory DeGrazia on 7/20/05 a provisional election was made with traverse to prosecute the invention of I, claims 1-25. Affirmation of this election must be made by applicant in replying to this Office action. Claims 26-29 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.



## Non-Final Rejection

### *Claim Objections*

5. Claims 3-6 and 14-25 are objected to because of the following informalities:

a. With respect to claim 3, replace "said terminal ends" with --terminal ends--.

b. With respect to claim 4, replace "said plates" with -- a pair of plates --.

Claim 4 is indefinite because it fails to properly define the plates.

c. With respect to claim 14, replace "first feeler" with -- first filler --; and  
"second feeler" with -- second filler --.

d. With respect to claim 17, replace "said first and second feelers" with -- said  
first and second fillers --.

e. With respect to claim 20, replace "said first device" with -- said sensing  
device --. Claim 1 only discloses a *sensing device*.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that  
form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public  
use or on sale in this country, more than one year prior to the date of application for patent in the United  
States.

7. Claims 1, 2, 7 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated  
by Ravenhall (3,951,563).

a. With respect to claim 1, Ravenhall discloses an apparatus for measuring  
radial displacement of a wheel having first and second beads circumscribing an



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axis, said apparatus comprising: a mount assembly for rotating the wheel 46 around said axis; a sensing device 4,82 movable radially relative to said axis; and a bead engaging element pivotably connected to said sensing device 4,82 for simultaneously engaging the first and second beads 84 and moving said sensing device 4,82 radially relative to said axis as the first and second beads 84 vary in radial distance from said axis around the wheel 46 to detect the combined offset of the first and second beads 84 from said axis for generating a first signal representing the average radial displacement of the first and second beads 84 (col. 2 lines 19-35, col. 5 lines 18-49 {Figs. 1-3}).

b. With respect to claim 2, Ravenhall discloses an apparatus as set forth in claim 1 further including said bead engaging element defined by a rigid bar ({Fig. 2}).

c. With respect to claims 7 and 20, Ravenhall discloses an apparatus as set forth in claim 1 including a supporting element 83 operably connected to said sensing device 82 for facilitating slidable movement of said sensing device 82 within said supporting element 83 and with respect to said axis (col. 5 lines 18-36 {Fig. 2}).

### ***Claim Rejections – 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ravenhall (3,951,563) in view of Clark et al (4,169,373) (hereinafter Clark).

a. With respect to claim 8, Ravenhall discloses the claimed invention except for a resilient device cooperably connected to and extending between the supporting element and the sensing device for biasing the bead engaging element against the wheel. Clark teaches an apparatus with a resilient device 64 cooperably connected to a supporting element 24 and a sensing device 46 for biasing the bead engaging element against a wheel 12 (col. 3 lines 7-23, col. 5 lines 1-30 {Figs. 1,2}). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ravenhall with the teachings of Clark to include a resilient device cooperably connected to a supporting element and a sensing device for biasing the bead engaging element against a wheel for the purpose of controlling the retaining means of the sensing device to the tire during operation (see Clark, col. 3 lines 7-23, col. 5 lines 1-30 {Figs. 1,2}).

***Allowable Subject Matter***

10. Claims 9-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: The reasons for the indication of allowable subject matter are based on the inclusion of *a first sensor operably connected to a sensing device for responding to displacement of the sensing device relative to a supporting element in response to the*



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*combined offset of the first and second beads as the first and second beads vary in radial distance from the axis.*

**Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(6,802,212) (4,169,373)

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alandra Ellington whose telephone number is (571) 272-2178. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alandra Ellington  
Art Unit 2855

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William Oen  
Primary Examiner